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NOTES.

LAW SCHOOL—DEATH OF DAVID REEVES HENRY—On the eve of graduating from the Law School, David Reeves Henry, a member of the Third-year Class, and an Associate Editor of the LAW REVIEW, succumbed to an attack of typhoid fever on May 14, 1916, at his home at St. Martin's, Philadelphia. Within another week he would have entered upon his final examination, he would have taken the examinations for admission to the Philadelphia Bar in July, and would have been admitted to the practice of the law in the fall. His unexpected death cut short an unusually promising career at its very beginning.

David Reeves Henry was born in Philadelphia on July 7, 1892, the son of John Jackson Henry and Clara Reeves. He received his early education at Chestnut Hill Academy and Haverford School, Philadelphia. He entered Princeton University in 1909, and graduated

four years later with the degree of Bachelor of Arts. He entered the Law School in September, 1913, where he gave early promise of success in the study of the law. He was elected a member of the Sharswood Law Club and the Phi Delta Phi Legal Fraternity, and at the end of his second year, was elected by the Faculty to the Editorial Staff of the *LAW REVIEW*. Up until almost the day of his death he was an enthusiastic worker in all the phases of his student-life. So sudden was his departure that even this issue of the book he helped to edit contains an article from his pen.

In all his work, both in the class room and among his fellow-students, he had won for himself a place of marked distinction. He was gifted with an unusual quickness of perception combined with a clearness of thought that enabled him to do well everything he undertook. This, together with a faculty for persistent and tireless effort, insured him a high place in the profession. His death has deprived the Law School of an alumnus and friend to which it could well have pointed with pride; the profession has been denied numbering among its members one who would have toiled untiringly and productively in its advancement.

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COMMON LAW—EFFECT OF THE ADOPTION BY AN AMERICAN STATE OF THE COMMON LAW OF ENGLAND—The courts of a number of American jurisdictions, in the absence of statutes on the subject, have held that the rules of the common law of England, in so far as they are applicable and are not in conflict with express statutory enactment, are in full force today.¹ In the majority of American States, however, special statutes have adopted the English common law, so far as it is consistent with and adapted to the necessities of the people and is not repugnant to or inconsistent with the constitution and laws of the United States or of the particular state or territory.² It may safely be asserted that the common law, as it existed in England at the time of the settlement of the American colonies, has never been in force in all of its provisions in any state of the United States. It has been adopted only to the extent that its general principles were suited to the condition and habits of the colonists, and in harmony with the spirit and objects of American institutions. In *Katz v. Walkinshaw*,³ the court stated

¹ *Morris v. Vanderen*, 1 Dall. 64 (Pa. 1782); *Commonwealth v. Lehigh Valley R. Co.*, 165 Pa. 162 (1895); *Conant v. Jordan*, 107 Me. 227 (1912); *Mathewson v. Phoenix Iron Foundry*, 20 Fed. 281 (1884).

² See *Going v. Emery*, 16 Pick. 107 (Mass. 1834); *State v. Musick*, 145 Mo. App. 33 (1910); *Ferris v. Saxton*, 4 N. J. Law, 1 (1818); *Waters v. Gerard*, 189 N. Y. 302 (1907).

³ 141 Col. 116 (1903).